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UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hiroki Kabumoto et al

Serial No.: 10/088,515

Filed: March 29, 2002

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JUL 19 2004

Group Art Unit: 1745

Examiner: Susy N Tsang Foster

TC 1700

P.T.O. Confirmation No.: 4583

For: FUEL CELL THAT CAN STABLY GENERATE ELECTRICITY WITH
EXCELLENT CHARACTERISTICS

RESPONSE TO THE RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date: July 15, 2004

Sir:

This is in response to the Office Action of June 23, 2004, requiring restriction between alleged inventions under the provisions of 35 USC § 121.

In the Action, the examiner made a restriction requirement between the following inventions: Group I, claims 1-12, drawn to a first product of a fuel cell comprising a gas diffusion layer that is interposed between the cathode catalyst layer and the second plate and at least one of the gas diffusion layer and the cathode catalyst layer is constructed in such a manner that water retentivity is higher in parts facing the oxidant channels than in parts facing the ribs; or Group II, claims 13-19, drawn to a second product of a fuel cell comprising a gas diffusion layer and an intermediate water retentive layer that contains an ion exchanger interposed between the cathode catalyst layer and the second plate, the intermediate water retentive layer is constructed in such a manner that water retentivity is

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higher in parts facing the oxidant channels than in parts facing the ribs.

Applicants hereby provisionally elect **Group I , that is, claims 1-12**, for examination on the merits in this application. Applicants reserve the right to file one or more divisional applications directed to the subject matter of the non-elected claims.

Favorable consideration of the subject application is respectfully requested.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this response.

Respectfully submitted,

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